

Wendy P. Rouser, Esq.
Arbitration, Mediation,
& Neutral Investigation

PO Box 640873
San Francisco, CA 94164
Phone/Fax 415 563-6205
Email wprouder@wendyrouder.com

January 12, 2008

Mr. David Davis
PO Box 3225
Clearlake, Ca 95422

Ms. Page Gerhart-Davis
PO Box 3225
Clearlake, Ca 95422

Mr. Dale L. Allen, Jr.
Low Ball & Lynch
505 Montgomery Street 7th Floor
San Francisco, Ca. 94111-2584

Mr. Dirk D. Larsen
Mr. Dale L. Allen, Jr.
Low Ball & Lynch
505 Montgomery Street 7th Floor
San Francisco, Ca. 94111-2584

RE Davis et al. v. Clearlake Police Department (USDC 03365 EDL)

Dear Party Representatives:

By now you should have received from the District Court notice that I have been appointed as the early neutral evaluator (ENE program) for the above referenced case.

My own practice is currently limited to arbitration, mediation and neutral investigation in the labor and employment law area. Prior to beginning as a neutral, I was a senior supervising attorney for the Oakland City Attorney's Office. In that capacity, I served as general counsel for the Oakland Police Department and as legal advisor to the citizen-police complaint review board. In the mid 1980s I "prosecuted" police misconduct before the City of Oakland's civil service board. In the early 1980s I was a deputy public defender for Office of the San Francisco Public Defender.

Pursuant to ADR L.R. 5-7 I am writing at this juncture to set up a joint phone conference with party representatives. The purpose of this phone conference is to help facilitate the

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actual ENE session itself by establishing some ground rules and expectations. The topics I would like to cover in the phone conference are:

the procedures to be followed for the ENE session

the nature of the case

appropriate dates for the ENE session (please have your calendars ready to select a date at the time of the phone conference)

the parties to be present at the session

requirements for your written ENE statements

ideas to improve the effectiveness of the session or any factors that might be an impediment to effectiveness

any questions you may have about the ENE program. However, please be sure to review ADR L.R. 5 that governs the ENE program.

I am sending this letter as an email attachment to counsel for the defendant. This letter is also being sent to plaintiffs by US mail. I am asking the plaintiffs to send me their email address, so we can set a speedy phone conference date. In the event plaintiffs do not have an email address, I propose here that we schedule a conference call for Thursday, January 31 at 4:30PM. With regard to that phone conference call, I am asking:

the plaintiffs to confirm with me either by phone or email their availability for the call

the defendant(s) via their attorneys to confirm their availability for the call and to initiate the call on the 31st assuming all are available.

If that date (the 31st) and time does not work for one or both sides, then I ask you to confer by phone with the other side's representatives and suggest some d 4:30 PM dates that you all can agree on, and provide me with two possibilities (hopefully the call can be accomplished no later than the week of February 4th).

And since client's attendance is mandatory for the ENE session, I would ask that defendants consult with your witness representatives about available ENE session dates in March.

Because I am often on the road, the best way to reach me is by email (above address) rather than fax or written communication.

I am looking forward to being of assistance to the parties.

Sincerely,

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Wendy P. Rouders